S.B. Criminal Revision Petition NO.480/2007
(Ugma Ram Vs. Mukesh & Ors.)

Date of order : 29.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Ranjeet Joshi, for the petitioner.
Mr. S.N. Tiwari, Public Prosecutor.

By way of filing the present revision petition, the petitioner has challenged the Judgment dated 29.11.2005 passed by learned Special Judge, SC/ST (Prevention of Attrocities Act) Cases, Merta whereby the learned trial court while deciding the matter gave finding that offence under Section 323 I.P.C. is made out against the non-petitioner – Mukesh but acquitted the non-petitioner for offence under Section 447 I.P.C. and Sections 3(1)(v) and 3(1)(x) of SC/ST (Prevention of Attrocities) Act.

According to the facts of the case, a complaint was lodged by the petitioner on 19.6.2005 at P.S. Kuchera wherein it was alleged that complainant is having ancestral 'bada' and on the date of incident, all the accused persons namely Mukesh, Mani Ram, Shambhu Ram and Laxmi W/o Mukesh illegally entered in 'bada' armed with deadly weapons and assaulted the complainant. Upon this FIR, after investigation, challan was filed against the non-petitioner and six prosecution witnesses were examined

before the trial court and no defence witness was examined and ultimately, the learned trial court finally decided the matter and acquitted the non-petitioner for offence under Section 447 I.P.C. and Sections 3(1) (v) and 3 (1) (x) of SC/ST Act but gave finding that prosecution has proved its case for offence under Section 323 I.P.C.

I have heard learned counsel for the petitioner and perused the impugned judgment. The judgment passed by learned trial court is based upon proper appreciation of evidence and after considering entire evidence in right perspective, therefore, the finding given by learned trial court with regard to offence under Section 323 I.P.C. and other offences does not require any re-appreciation.

I see no reason to interfere with the impugned judgment dated 29.11.2005 passed by Special Judge, SC/ST (Prevention of Atrocities) Cases, Merta. Accordingly, the revision petition is dismissed.

(GOPAL KRISHAN VYAS), J .

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